

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Clarence York

Docket No. 5:20-CR-194-1BO

Petition for Action on Supervised Release

COMES NOW Michael Torres, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Clarence York, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), was sentenced by the Honorable Terrence W. Boyle, United States District Judge, on December 8, 2020, to the custody of the Bureau of Prisons for a term of 42 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of three years. Clarence York was released from custody on July 3, 2023, at which time the term of supervised release commenced.

A Petition for Action was submitted to the court on July 26, 2023, as the defendant had a history of substance abuse issues and would benefit from treatment services. The defendant signed a waiver agreeing to add the drug after condition, and Your Honor agreed with the modification and amended the defendant's conditions of supervision.

On August 25, 2023, a Violation Report was submitted to the court as the defendant submitted a positive drug screen for marijuana on August 10, 2023. The court agreed to continue the defendant on supervision with no modifications to the conditions of supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On August 17, August 21, and August 23, 2023, this officer attempted to contact the defendant via telephone as the defendant failed to attend substance abuse treatment on August 17, and August 20, 2023. The defendant was instructed via text message to return this officer's calls, but he failed to contact this officer as instructed. As a result of the defendant's missed treatment sessions, this officer attempted an after-hours home contact on August 23, 2023. On August 23, 2023, this officer left a business card on the defendant's front door instructing him to contact this officer; however, the defendant failed to return this officer's calls and his whereabouts were unknown. Additionally, York failed to submit random urine screens on August 15, September 5, and September 26, 2023.

On September 21, 2023, the defendant reported to the probation office and informed this officer that he had moved to Benson, North Carolina without permission. Furthermore, the defendant signed a voluntary admission stating that he had used cocaine and marijuana on September 19, 2023. As a punitive sanction for his significant non-compliance issues, this officer is respectfully requesting that the defendant be placed on curfew with location monitoring for 121 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 121 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring technology (Radio Frequency or GPS monitoring) determined at the discretion of the U.S. Probation Officer and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dewayne L. Smith
Dewayne L. Smith
Supervising U.S. Probation Officer

/s/ Michael Torres
Michael Torres
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 910-354-2534
Executed On: September 28, 2023

ORDER OF THE COURT

Considered and ordered this 29 day of September, 2023, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
United States District Judge